

CONSTITUTIONAL POLLS ACT 1977

1977/28 14 April 1977

To provide for special polls relating to proposed amendments to the Niue Constitution Act 1974 or the Niue Constitution

1 Short title

This is the Constitutional Polls Act 1977.

2 Special poll of electors as to Bills to which article 35 of the Niue Constitution applies

(1) Whenever a Bill to which article 35 of the Niue Constitution applies, has satisfied the requirements of article 35 (1) (a), there shall be taken within the meaning of the Assembly Act 1966, a poll on the question whether the proposal in the Bill is supported or not supported.

(2) The poll shall be taken on a day to be fixed by the Speaker by notice in the Gazette or in a newspaper circulating in Niue and shall be a poll of the electors of the several village constituencies who are entitled to vote at a general election of members of the Niue Assembly.

(3) The question shall be submitted in the form in the Schedule.

3 Application of provisions of the Assembly Act

Subject to this Act and any regulations made under it, and subject to all necessary modifications, the poll shall be taken in the same manner as if it were a general election of members of the Niue Assembly and the Assembly Act 1966 and any other law relating to such elections, as far as they are applicable, shall apply accordingly.

4 Electoral rolls

(1) Subject to this section, the electoral roll for each village constituency at the poll shall be the roll as provided by the Assembly Act 1966.

(2) The electoral roll in each village constituency shall close 10 days before the date fixed for the taking of the poll.

(3) The electoral rolls to be used in each village constituency shall be the main and supplementary rolls used at the last general election, together with

a further supplementary roll to be prepared by the Chief Electoral Officer and to include the names of all electors registered by him after the closing of the rolls for the last general election and remaining on the roll for each village constituency at its closing under subsection (2).

5 Declaration of result of poll and communication to Speaker

(1) After the close of the poll in each village constituency the Presiding Officer shall count the votes recorded for and against the proposal and shall reject all informal votes.

(2) Immediately after he has counted the votes he shall send to the Chief Electoral Officer a statement of the number of informal votes, and of the total number of valid votes recorded, and of the number of valid votes recorded for and against the proposal.

(3) On receipt of the statement from all Presiding Officers, the Chief Electoral Officer shall conduct the final count and declare

(a) The total number of valid votes recorded at the poll throughout Niue and in each village constituency for the proposal; and

(b) The total number of valid votes recorded at the poll throughout Niue and in each village constituency against the proposals.

(c) The total number of votes rejected as informal.

(4) The Chief Electoral Officer shall communicate to the Speaker and shall notify in the Gazette or in a newspaper circulating in Niue, the numbers of the votes as finally ascertained by him in respect of the whole of Niue and in respect of each village constituency, and the result of the poll as determined thereby in respect of the whole of Niue.

6 Regulations

The Cabinet may make regulations for any purpose for which regulations are required or contemplated by this Act.

SCHEDULE

VOTING PAPER Section 2 (3)

Constitutional Amendment Poll
(article 35 Niue Constitution)

Consecutive Number

.....
Village Constituency

DO YOU VOTE IN FAVOUR OF
THE.....

..... BILL?

YES

Or

NO

DIRECTIONS TO VOTER

- 1 Place a tick () by the answer you wish to give.
- 2 After voting, fold this paper and place it in the ballot box.
- 3 You must not take this paper outside the polling booth.
- 4 If you spoil this paper, return it to the Poll Clerk and obtain another.